



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,628	03/15/2002	Berthier Lemieux	324-010890-US(PAR)	2239
2512	7590	06/16/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824				NGUYEN, DUC MINH
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/099,628	LEMIEUX ET AL.	
	Examiner	Art Unit	
	Duc Nguyen	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) 1-7,16-18,22 and 23 is/are allowed.
- 6) Claim(s) 8,10-13 and 19-21 is/are rejected.
- 7) Claim(s) 9,14 and 15 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8, 10-13, 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Serikawa et al (6,028,845).

Consider claims 8, 10-11, 19-20. Serikawa teaches a method for determining the performance of the decoding in a telecommunication system comprising a decoder (fig. 10, terminal equipment 12) and a testing apparatus (fig. 10, TDMA equipment 11) for supplying test data (fig. 10, pattern generating means 71) to the decoder, comprising generating test data comprising signaling data in a signaling frame format (col. 9, ln. 34-44), transmitting the test data mapped into two consecutive frames from the testing apparatus to the decoder for decoding (col. 9, ln. 34-44), receiving the test data one frame at a time, extracting the test data from the received test data frames in the decoder (col. 10, ln. 11-33), transmitting the test data frames back to the testing apparatus (col. 9, ln. 44-50), and determining the performance of decoding by comparing the transmitted signaling data and the received signaling data in the test apparatus (see the entire abstract; col. 9, ln. 5-34). Serikawa further discloses transmitting signal from the terminal equipment 12 is synchronized with a system clock signal in the TDMA equipment 11 for each bit (col. 3, ln. 5-10, ln. 48-54); and comparing the transmitting signal and the receiving signal (see the entire abstract; col. 12, ln. 24-30; col. 13, ln. 8-18). It would be inherent that if

the loopback signal had high BER value and out-of-sync with the transmitting signal, the terminal equipment 12 would have performed poorly.

Consider claims 12-13, 21. Serikawa further teaches the loop back instruction (col. 19, ln. 3-18).

Allowable Subject Matter

3. Claims 9, 14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 1-7, 16-18, 22-23 are allowed over the prior art of record.

Response to Arguments

Regarding the Serikawa reference, applicant states that, "Serikawa fails to disclose or suggest transmitting test data mapped into two consecutive frames to a decoder for decoding. Serikawa also fails to disclose or suggest determining the performance of decoding by comparing the transmitted signaling data and received signaling data."	In contrast to applicant's assertions, Serikawa discloses transmitting data mapped into at least two consecutive frames to a decoder for decoding (Multiframe; figs. 3-4, col. 2, ln. 39 thru col. 3, ln. 54; col. 10, ln. 33-39; col. 12, ln. 1-5; col. 13, ln. 18-63; see figs 10, 12 and 17; col. 21, ln. 55 thru col. 22, ln. 5). Serikawa further discloses transmitting signal from the terminal equipment 12 is
---	--

	synchronized with a system clock signal in the TDMA equipment 11 for each bit (col. 3, ln. 5-10, ln. 48-54); and comparing the transmitting signal and the receiving signal (see the entire abstract; col. 12, ln. 24-30; col. 13, ln. 8-18). It would be inherent that if the loopback signal had high BER value and out-of-sync with the transmitting signal, the terminal equipment 12 would have performed poorly.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2643

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (571)272-7503. The examiner can normally be reached on 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kuntz Curtis can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Duc Nguyen
Primary Examiner
Art Unit 2643

6/7/05